



3739

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on 12/01/2003

Roberto Plascencia

*Roberto Plascencia***PATENT****Attorney Docket No. 39238-0747****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application)	<u>PATENT APPLICATION</u>
Inventor(s): Stern et al.)	
Application No.: 10/072,610)	Art Unit: 3739
Filed: 02/06/2002)	Examiner: Not Assigned
Title: Handpiece for Treatment of Tissue)	

RECEIVED

DEC 08 2003

TECHNOLOGY CENTER R3700

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, can be found attached, according to 35 U.S.C. 120, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

(1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --

(2) It is being filed within 3 months of entry of a national stage
-- OR --

(3) It is being filed before the mail date of the first Office Action on the merits
-- OR --

(4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

a certification as specified in §1.97(e) is provided below; or

a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

Fee Authorization. The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39238-0747).

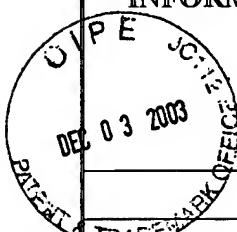
Dated: 11/25/03

Respectfully submitted,

HELLER EHRLICH WHITE & MCAULIFFE LLP

By: 
Paul Davis, Reg. No. 29,294

275 Middlefield Road
Menlo Park, CA 94025-3506
(650) 324-7000
Customer No. 25213

INFORMATION DISCLOSURE CITATION  PTO-1449		ATTY. DOCKET NO. 39238-0747		SERIAL NO. 10/072,610		RECEIVED DEC 08 2003 TECHNOLOGY CENTER 3700
		APPLICANT Stern et al.				
		FILING DATE 02/06/2002		GROUP 3700		
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	4,754,754	07/05/1988	Garito, et al.	128	303.14	10/28/1986
	5,609,573	03/11/1997	Sandock	604	22	02/28/1996
	5,630,426	05/20/1997	Eggers, et al.	128	734	03/03/1995
	5,948,011	09/07/1999	Knowlton	607	101	10/28/1997
	2001/0049524	12/06/2001	Morgan et al.	606	50	03/05/2001
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
	DE 201 07 271	07/19/2001	Germany	A 61 M	1/00	
	EP 1 158 919	12/05/2001	EPO	A61B	18/14	
	WO 00/053113	09/14/2000	PCT	A61B	18/14	
	WO 01/00269	01/04/2001	PCT	A61M	35/00	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER	DATE CONSIDERED					

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

considered. Include copy of this form with next communication to applicant.